

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE SOUTHERN DISTRICT OF TEXAS

3 HOUSTON DIVISION

4 UNITED STATES OF AMERICA § CASE NO. 4:21-cr-00009
5 § HOUSTON, TX
6 VERSUS § TUESDAY,
§ JANUARY 12, 2021
7 ROBERT T. BROCKMAN § 10:00 AM TO 10:05 AM

8 MOTION HEARING

9 BEFORE THE HONORABLE ANDREW EDISON
10 UNITED STATES MAGISTRATE JUDGE

11 APPEARANCES:

12 FOR THE PARTIES: SEE NEXT PAGE

13 COURT REPORTER: JOSEPH WELLS

14 COURT CLERK: UNKNOWN

15
16
17
18
19
20 TRANSCRIPTION SERVICE BY:

21 Veritext Legal Solutions
22 330 Old Country Road, Suite 300
23 Mineola, NY 11501
Tel: 800-727-6396 ▼ www.veritext.com

24 Proceedings recorded by electronic sound recording; transcript
25 produced by transcription service.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

(APPEARING TELEPHONICALLY)

FOR THE PLAINTIFF: UNITED STATES DEPARTMENT OF
JUSTICE
Corey J. Smith
150 M Street NE
Washington, DC 20002
202-514-9623

FOR THE DEFENDANTS: JONES DAY
Jason Scott Varnado
Kathryn Keneally
David Smith
717 Texas Avenue
Houston, TX 77002

1 HOUSTON, TEXAS; TUESDAY, JANUARY 12, 2021; 10:00 AM

2 THE COURT: Okay, good morning. This is the United
3 States District Court for the Southern District of Texas. I'm
4 Judge Andrew Edison, presiding. We're here on the criminal
5 docket for Tuesday, January 12th, 2021. Happy new year to all.
6 Hope you are all safe and sound. We actually only have one
7 case on the docket this morning. That is case 4:20-CR-00009,
8 United States of America v. Robert T. Brockman. Could I have
9 introductions of counsel please? Let's start with The United
10 States.

11 MR. SMITH: Good morning, Your Honor, it's Corey
12 Smith on behalf of The United States.

13 THE COURT: Hello, Mr. Smith, how are you today?

14 MR. SMITH: Good morning.

15 THE COURT: Anybody else on behalf of the government?
16 Okay, on behalf of Mr. Brockman?

17 MR. VARNADO: Good morning, Your Honor. This is
18 Jason Varnado from Jones Day here in Houston appearing on
19 behalf of Mr. Brockman. I'm joined by colleague, Kathy
20 Keneally, who is in our New York office, and you can see Mr.
21 Brockman is also appearing with my colleague David Smith. Mr.
22 Brockman is on video from his house.

23 THE COURT: Hello to all of you. Hope you're doing
24 well. I can't tell, Mr. Varnado, is that actually, -- I think
25 that actually is your office, but it looks like a great Zoom

1 background.

2 MR. VARNADO: It actually is my office, I get the
3 privilege of looking at that Bank of America building. But
4 you're right, it looks pretty good in Zoom. Other than the
5 afternoon, when the sun is streaming through, and you can't see
6 me at all.

7 THE COURT: Understood. Okay, obviously this case
8 was originally filed in California, and transferred by Judge
9 (indiscernible) last week. We're set for a status conference
10 today. To be honest, I'm not exactly sure what -- Help me out.
11 What do we need to do? Are we ready for arraignment, or
12 (indiscernible), or what do we need to do today? And I'll
13 defer either Mr. Varnado or Mr. Smith. Either one of you.

14 MR. VARNADO: Sure, Judge. Jason Varnado on behalf
15 of Mr. Brockman. You know, Judge, Mr. Brockman had his initial
16 appearance and arraignment in (indiscernible) California back
17 in October. He is presently on bond and being supervised here
18 in the Southern District of Texas. That was worked out back
19 when the case was first charged.

20 I believe internal services officer Candice Bell --
21 either trying to get on it or is on. But he's been supervised
22 here, he's out on bond right now, and he's had no issues. And
23 so Judge, I talked to the case manager yesterday, and since
24 because the matter had been newly arrived, and you all had the
25 criminal docket, that it made sense to, just to make sure that

1 the Court was aware of what was happening. I'm happy to
2 apprise the Court as to some pending motions, and where we
3 stand on the case.

4 THE COURT: Yeah, I had taken a look at the file.
5 Other than that, (indiscernible). I didn't realize, one thing
6 I could not tell from the docket you got for me, if there had
7 been an arraignment.

8 MR. VARNADO: Yes, there has been an arraignment.

9 THE COURT: Okay. So I guess there were two things
10 that I might do, and then anything else you all tell me to do.
11 This might have already happened in California too, but I
12 didn't see on the docket sheet, so I'm going to, out of an
13 abundance of caution, as many of you know, the Rule of Criminal
14 Procedure 5(f) was recently amended, consequently it is the
15 obligation of the Judge of the first hearing in which all
16 counsel are here to make an oral statement and issue an order
17 to the following effect, which I'll do right now.

18 Which is under Federal Rule of Criminal Procedure
19 5(f), counsel for the United States is ordered to comply with
20 its disclosure obligations, under Brady v. Maryland
21 (indiscernible). Failure to do so will result in a dismissal
22 of charges, exclusion of evidence, adverse jury instructions,
23 contempt proceedings and/or sanctions, and I would issue a
24 formal written order to that effect, just to make sure we've
25 covered the bases on that.

1 The second thing, and I fully understand that we have
2 -- the pending motions are out there, but (indiscernible) we
3 have had the arraignment, is to at least issue a scheduling
4 order together in the case. Obviously any changes, any
5 discussions can be raised at a later time. Let me ask the
6 government, what is the estimated time of trial, that you
7 expect this trial to take?

8 MR. SMITH: I think we're looking at either five or
9 six weeks, Your Honor.

10 THE COURT: Okay. I am going to sign a scheduling
11 order in this case. This case has been assigned to United
12 States District Judge George C. Hanks, Jr. The schedule I'm
13 going to give to you, as I said, this is the current scheduling
14 order (indiscernible) complex case, any issue you can raise
15 with Judge Hanks, is going to set a trial date of March 1, 2021
16 at 9:00 AM, a motion deadline of January 26th, response
17 deadlines for the motions in February. Sorry about that.

18 Now, hold on one second. I want to go off record,
19 one second.

20 (Hearing adjourned at 10:05 AM)

21 * * * * *

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing transcript is a true and accurate record of the proceedings.

A handwritten signature in cursive script that reads "Sonya M. Ledanski Hyde".

Sonya Ledanski Hyde

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: January 20, 2021